

STATE REGISTER  
ANNOUNCEMENT OF MODIFICATION OF  
SAND AND GRAVEL GENERAL PERMIT

**Introduction**

On May 17, 2006 the Department of Ecology (Ecology) modified the Sand and Gravel General Permit, a National Pollutant Discharge Elimination System and state waste discharge permit for discharges associated with mining and mineral processing activities in Washington State. The modified permit will become effective on June 17, 2006.

The modified permit provides coverage for industries located in Washington State that discharge process water, stormwater and mine dewatering water associated with mining and mineral processing activities. Under federal and state water quality law (Federal Clean Water Act and State Water Pollution Control Act), a permit is required for the discharge of wastewater, including process water, stormwater or mine dewatering water from industrial activities.

Permits must be reissued at least every five years and the sand and gravel general permit was reissued by Ecology on January 5, 2005, with an expiration date of February 4, 2010. On February 3, 2005, the permit was appealed to the Pollution Control Hearings Board (PCHB) by the Washington Aggregate and Concrete Association and Puget Soundkeeper Alliance.

Over the spring and summer of 2005 Ecology worked with both appealing parties in an attempt to reach a negotiated settlement of the two appeals of the Sand and Gravel General Permit. In late September the three parties reached a settlement which resulted in the three parties signing a Stipulation and Agreed Order of Dismissal. On October 21, 2005 the PCHB entered the Stipulation and Agreed Order of Dismissal and dismissed the two appeals.

**Summary of Public Process**

Ecology held a public comment period on the draft modified permit from December 21, 2005 to January 31, 2006. During the public comment period Ecology received written comments from four parties. In addition, Ecology held a public hearing in Lacey Washington on January 25, 2006, at which one commentor provided testimony. These comments did not result in any further revisions to the modifications described below.

**Summary of Revisions Based on Public Comments and Testimony**

Ecology has prepared a Response to Comments document to address all relevant written comments and testimony received during the public comment period. No changes were made to the final modified permit as a result of public comments or testimony. The Response to Comments are posted on Ecology's sand and gravel webpage at:

<http://www.ecy.wa.gov/programs/wq/sand/index.html>.

**Summary of Permit Modifications**

As a result of the Settlement Agreement, the following modifications have been made to the current permit which was issued on January 5, 2005. The changes become effective June 17, 2006.

- Dropped the requirement to sample type 2 stormwater.
- Added language to make the permit consistent with other applicable laws. For example, no discharge can cause or contribute to a violation of other water quality standards.
- Changed Total Maximum Daily Load (TMDL) requirements. TMDLs issued after the final sand and gravel permit are only applicable to facility, if Ecology imposes them through the issuance of an administrative order.
- Changed pH monitoring requirements. If a facility meets standards for 18 consecutive months, it can reduce monitoring from once per month to once per quarter. The permit restores original monitoring frequency, if a facility violates pH limits or significantly changes its processing.
- Clarified conditions for reducing frequency of turbidity monitoring.
- Changed daily effluent limitation for oil sheen to “no visible sheen.” The permittee may now monitor for oil sheen at representative locations, rather than the discharge point.
- Added new conditions for public access to a facility’s Stormwater Pollution Prevention Plan.
- Changed reference for “equivalent stormwater management guidance documents” to either the Stormwater Management Manuals for either Eastern or Western Washington.
- Clarified inspection processes to make consistent with applicable laws and requirements for inactive mining sites and certification of inspection reports.

Ecology also agreed to provide an opportunity for public comment regarding the frequency of pH monitoring in condition S2 of the permit.

For all detailed changes, please consult the draft modified permit and fact sheet addendum posted on Ecology's sand and gravel webpage at:

<http://www.ecy.wa.gov/programs/wq/sand/index.html>.

### **Permit Coverage**

Those facilities that have coverage under the current permit continue to have coverage under the modified permit unless otherwise notified by Ecology. Non-permitted facilities seeking permit coverage should request an application for coverage from Ecology's headquarters office at the address below.

Anyone with knowledge as to why a specific facility should or should not receive coverage under this general permit may contact Ecology's headquarters office at the address below (see appeal procedures).

### **Appeal Procedures**

Pursuant to Chapter 43.21.B RCW, the modified terms and conditions of the permit may be appealed within 30 days of receipt of the modified general permit. An appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington, 98504-0903. In addition, a copy of this appeal must be served on the Department of Ecology, P. O. Box 47600, Olympia, Washington, 98504-7600. The procedures and requirements for the appeal process are contained in RCW 43.21.B.310.

The terms and conditions of a general permit, as they apply to an individual discharger, are appealable within 30 days of the effective date of coverage of that discharger, in accordance with Chapter 43.21.B RCW. This appeal is limited to the general permit's applicability or nonapplicability to a specific discharger.

Ecology is an equal opportunity agency. If you have special accommodation needs or require the fact sheet addendum and proposed modified permit in an alternative format, please contact James LaSpina at (360) 407-6442 or TDD (only) at (360) 407-6006.